

TEMPORARY

No. 68954-T

TEMPORARY
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUL 11 2002

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 23 1961 under 19750

The applicant **Phelps Dodge Corporation** hereby makes application for permission to change the **Point of Diversion and Place of Use of a portion** of water heretofore appropriated under **Permit 18703, Certificate 5911**

1. The source of water is **Underground**
2. The amount of water to be changed **1.746 c.f.s., 407.96 AFS**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T.13 N., R.26 E., MDM, or at a point from which the E $\frac{1}{4}$ corner of said Section 6 bears North 44°03' East, 1909.06 feet**
6. The existing permitted point of diversion is located within **SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, T.13 N., R.25 E., MDM, or at a point from which the SW corner of Section 21, T.13 N., R.25 E., MDM bears South 41°45'44" West, 8352.60 feet**
7. Proposed place of use **within the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 4; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5; NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, and portions NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ Section 6; NE $\frac{1}{4}$ and portion of the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 7; N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8, T.13 N., R.26 E., MDM. Irrigation is to supplement surface water irrigation on 101.99 acres of land that is not currently being irrigated with other groundwater rights.**
8. Existing place of use **within portions of the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T.13 N., R.25 E., MDM, 101.99 acres on record in the ownership of Phelps Dodge Corporation**
9. Use will be from **April 1 to October 31** of each year.
10. Use was permitted from **April 1 to October 31** of each year.
11. Description of proposed works **drilled well, pump and motor, and irrigation distribution system**
12. Estimated cost of works **existing**
13. Estimated time required to construct works **existing**
14. Estimated time required to complete the application of water to beneficial use **n/a**

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15. Remarks: This application is filed to succeed Permit 67452T for one additional year. Please see attached for the remarks.

Bruce R. Scott, Resource Concepts, Inc.
 By s/Bruce R. Scott
 340 North Minnesota Street
 Carson City, Nevada 89703

Compared sg/cmf dr/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 18703, Certificate 5911 is issued subject to the terms and conditions imposed in said Permit 18703, Certificate 5911 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 19750, Certificate 5927; 24013, Certificate 8286; 30068, Certificate 10419; 30263, Certificate 10703; 30521, Certificate 10423; and Temporary Permit 68954-T and any water of the Walker River Decree and any storage water appurtenant to the place of use shall not exceed 3931.2 acre-feet per year for the irrigation of 982.8 acres. The permit holder is responsible for insuring delivery of the entitled decreed and storage waters that are supplemental to these permits. In any year the Walker River Irrigation District declares a full allocation of decreed water to the priority years of C-125 decree claims supplemental to these permits, underground water shall not be pumped from the wells described in these permits. In any year the Walker River Irrigation District has no decreed or storage water, or declares a reduced allocation of surface waters to the priority years of C-125 decree claims supplemental to these permits, then water can be pumped from wells for irrigation of the permitted places of use. Irrigation not to exceed a duty of four acre-feet per year from the total of decreed, storage, and underground waters. Temporary Permit 68954-T is limited to the irrigation of 101.99 acres within the described place of use.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **October 31, 2002** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.746 cubic feet per second, but not to exceed 407.96 acre-feet per season, and not to exceed a seasonal duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

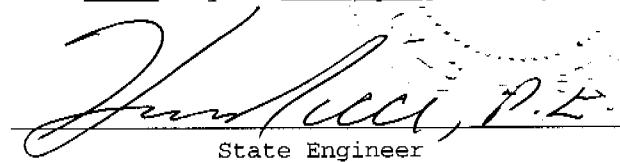
Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 22nd day of October, A.D. 2002


State Engineer

EXPIRED

DATE OCT 31 2002 *SMC*

Item 15. Remarks continued

7/5/02

The proposed point of diversion is the same as the well under Permit 19750. The water under this application is to be limited to irrigation of 101.99 acres within the proposed place of use. The intent of the Applicant is to supplement surface water irrigation on land that is not currently being irrigated with other ground water rights.

Use proof of beneficial use map on file at the Division of Water Resources under Permit 18703 to support the existing point of diversion and place of use, proof of beneficial use map on file under Permit 19750 to support the proposed point of diversion, and the sketch filed under 67452T to support the proposed place of use.